

CASE SUMMARY

Land Development Code Amendment

Meeting:	City Council, May 1, 2012
Case Number:	LDC-10-412
Proposed Amendment:	To allow an increase in the overall window coverage allowed for window signs
Code Sections(s):	Chapter 18, Articles 12 & 15
Applicant:	City of Wilmington
Presented By:	Brian Chambers, Associate Planner
Staff Recommendation:	APPROVAL
Planning Commission Recommendation:	APPROVAL W/ MODIFICATIONS, 7-0
City Council Action:	APPROVED, 6-0

BACKGROUND

On October 4, 2011, City Council adopted a resolution suspending the enforcement of the city's window sign regulations in response to concerns raised over the application of these regulations in the Central Business District (CBD). Currently, the Land Development Code (LDC) limits window sign coverage to 10% of the total ground-floor glassed window area of the building. The 10% rule applies to all zoning districts in which window signs are allowed citywide. Council directed staff to conduct public outreach with CBD business owners and other concerned stakeholders to determine the appropriateness of the current window sign regulations. Notice for public outreach activities included mailed postcards, multiple direct emails, and website and social media updates.

A public meeting was held on October 27, 2011, with over 120 citizens in attendance. The results of this public meeting were presented to City Council at their November 1, 2011 meeting. In response to the feedback received, staff requested more time to work with stakeholders to gather additional input and to draft revisions to the current window sign regulations. City Council continued the suspension of enforcement of the window sign regulations and directed staff to conduct additional public outreach. These outreach efforts were limited to the CBD in an effort to better define the regulations and their applicability, before determining if those regulations should be exported to other commercial zoning districts.

On December 12, 2011, an online survey was posted on the city's website and a total of 124 responses were received. A second public meeting was held on January 19, 2012, at which staff presented the results of the online survey and conducted a small group input exercise. Nearly 25 citizens participated in this meeting. Stakeholders were asked to develop consensus on what the appropriate window coverage should be and whether temporary and/or unattached

window signs should be counted towards this coverage. The results of this meeting were posted on the city's website.

Stakeholders agreed that a maximum of 50% window coverage is appropriate and that temporary signage should be included in this calculation. Stakeholders also agreed that signs located within a certain distance of the window (unattached) should not be counted toward the overall window coverage allowed. A third public meeting was held on February 16, 2012 at which staff presented a draft amendment to the city's sign regulations. Approximately 10 citizens attended this meeting. The draft amendment was based directly on input received at the January 19th public meeting.

BENCHMARK CITIES RESEARCH

The table below provides a summary of the window sign regulations for City Council's identified benchmark cities as well as several other North Carolina cities. Coverage allowances for window signs in these cities range from 10% to 50% of the window. Several cities count window signs toward the overall coverage allowed for the entire facade while others calculate window coverage by linear feet of store frontage, or a combination thereof. There are a number of methods these cities have chosen to regulate window sign coverage. Each city is unique and each city has developed its own preference.

Window Sign Regulations – Benchmark Information Overview

City	Window Sign Regulations Overview	
	Coverage Allowed	Signage Included
Alexandria, VA	20%	Includes temporary and permanent signs
Annapolis, MD	Count towards facade coverage (1 sq ft per ft of frontage)	Interior not regulated
Asheville, NC	Count towards facade coverage (50 sq ft per facade)	Interior window signs limited to 16 sq ft
Charleston, SC	20%	Includes temporary and permanent signs
Cary, NC	25%	Includes temporary and permanent signs
Charlotte, NC	50%	Includes temporary and permanent signs
Chattanooga, TN	Count towards facade coverage (20% of facade)	Interior not regulated
Durham, NC	10%	Includes temporary and permanent signs
Fayetteville, NC	32 square feet	Includes temporary and permanent signs
Greensboro, NC	25%	Includes temporary and permanent signs
Greenville, NC	25%	Includes temporary and permanent signs
High Point, NC	Not regulated	N/A
New Bern, NC	Count towards facade coverage (25% of facade)	Interior signage not regulated
Raleigh, NC	Count towards facade coverage (2 sq ft per ft of frontage)	Interior not regulated
Santé Fe, NM	Count towards facade coverage (20% or 80 sq ft, whichever is less)	Interior window signage limited to 16 sq ft

Savannah, GA	10%	Includes temporary and permanent signs
St. Augustine, FL	Count towards facade coverage (based on zone, frontage and scale)	Off-site signage not allowed
St. Petersburg, FL	50%	Includes temporary and permanent signs
Wilmington, NC	10% of window	Includes temporary and permanent signs
Winston Salem, NC	Count towards facade coverage (Max. 30% of window)	Interior not regulated

PROPOSED AMENDMENT

Based on input received during the public input process, staff has provided two options for amending the city's window sign regulations. Option 1 would apply the proposed amendments to the **CBD only** and Option 2 would apply the amendments **citywide**.

Option 1 - Central Business District only: The following amendment would allow up to 50% of the ground-floor glassed window area of buildings to be covered with window signage within the Central Business District (CBD), including the historic district overlay (CBD-HDO). This amendment would clarify that temporary signs are included in the definition of window signs. Additions to existing code language are underlined.

Amend Article 12, Sec. 18-573 as follows:

Sec. 18-573. Special provisions for selected districts within the 1945 corporate limits.

The following provisions are applicable to the Central Business District (CBD), the Central Business District Historic District Overlay (CBD-HDO), the Historic District-Mixed Use (HD-MU) and the Main Street Mixed Use District (MSMU):

(c) *On-premises window signs:*

- (1) Any principal building may install on-premises window signs provided:
 - a. The area of such signs shall not exceed an aggregate area equal to ten (10) percent of the total ground-floor glassed window area of the building. In the CBD and CBD-HDO, the area of such signs shall not exceed an aggregate area equal to fifty (50) percent of the total ground-floor glassed window area of the building.
 - b. Such signs, if located inside the window, may be neon signs.
 - c. Such signs shall only be located on first floor windows.
 - d. The signs do not prohibit visibility into and out of the window.

Amend Article 15 Sec. 18-812 as follows:

Sec. 18-812. Definitions.

- (vv) Window sign. A sign attached onto the inside or outside of the window of a building, including any temporary signs.

Option 2 - Citywide: This version would allow up to 50% of the ground-floor glassed window area of buildings to be covered with window signage within all zoning districts in which window signs are currently permitted. The amendment included in Sec. 18-812 would clarify that temporary signs are included in the definition of window signs. Additions to existing code language are underlined and deletions are in ~~strikethrough~~.

Amend Article 12 Sec. 18-573 as follows:

Sec. 18-573. Special provisions for selected districts within the 1945 corporate limits.

The following provisions are applicable to the Central Business District (CBD), the Central Business District Historic District Overlay (CBD-HDO), the Historic District-Mixed Use (HD-MU) and the Main Street Mixed Use District (MSMU):

- (c) *On-premises window signs:*

- (1) Any principal building may install on-premises window signs provided:
- a. The area of such signs shall not exceed an aggregate area equal to ~~ten (10)~~ fifty (50) percent of the total ground floor glassed window area of the building.

Sec. 18-579. Signs permitted in Commercial and Office and Institutional Districts.

Signs shall be allowed as follows in commercial and office districts CB, RB, CS, and O&I:

- (f) *On-premises window signs:* Any principal building may install on-premises window signs, provided:
- (1) The area of such signs shall not exceed an aggregate area equal to ~~ten (10)~~ fifty (50) percent of the total ground floor glassed window area of the building.

Sec. 18-582. Signs permitted for historic mixed use buildings.

Historic mixed use buildings are permitted within the 1945 corporate limits for buildings that meet the criteria as stated in section 18-278 of this chapter and located in a CB, CS, O&I, R-3 or R-5 district. Historic mixed use buildings located in an R-3 or R-5 shall be subject to section 18-576, Signs permitted in most districts, and 18-577, Signs permitted in residential districts of this chapter. Notwithstanding the provisions of section 18-579, signs permitted in commercial and office and institutional districts, the following signs are the only signs permitted

for mixed use buildings in the CB, CS and O&I zones.

- (c) *On-premises window signs:* Mixed-use buildings may install on-premises window signs provided:

- (1) The area of such signs shall not exceed an aggregate area equal to ~~ten~~ fifty (50) percent of the total ground floor glassed window area of the building.

Amend Article 15 Sec. 18-812 as follows:

Sec. 18-812. Definitions.

- (vv) Window sign. A sign attached onto the inside or outside of the window of a building, including any temporary signs.

CONCLUSIONS / RECOMMENDATION

After total of three public meetings, with over 120 participants, substantial input was received from downtown stakeholders on their preferences for the city's window sign regulations. Through this process, a general consensus was achieved on what the city's window sign regulations should be and the proposed amendments are based directly on this consensus. Although outreach efforts were directed toward the CBD only, staff believes it is important that the window sign regulations are applied consistently throughout the city in order to ensure equity across the various zoning districts. Therefore, staff recommends **approval of option 2** of the proposed amendment.

NEIGHBORHOOD CONTACT

City Notifications:	Planning Commission	City Council
Signs Posted	N/A	N/A
Adjacent Letters	N/A	N/A
Advertisement Dates	3/30/12	4/20/12 & 4/27/12
General Inquiries:	Joan Loch, Dan Brawley, Paul Lawler, John Hinnant, Clark Hipp Community meetings held 10/27/11, 1/19/12, 2/16/12	

ACTIONS TO DATE

Planning Commission: 4/4/12 - Recommended approval with modifications, 7-0

No one spoke in favor of or in opposition to the proposed amendment. The commission agreed that the current maximum window coverage of 10% was too restrictive but expressed concerns that the proposed 50% coverage may be too much. The commission stated that the percentage should be in keeping with benchmark cities that allow for lower amounts of window coverage. After a brief discussion, the Planning Commission voted unanimously to recommend approval of option 2 of the proposed amendment with the modification that the maximum window coverage be reduced to 25%.

City Council: 5/1/12 – Approved, 6-0

Several citizens spoke in favor of amending the window sign ordinance to allow up to 50% window coverage in storefront windows. After a brief discussion, City Council voted 6-0 to approve the amendment allowing up to 50% of the ground-floor glassed window area of buildings to be covered with window signage within the Central Business District (CBD), including the historic district overlay (CBD-HDO). The amendment was approved on first and second reading.

ATTACHMENTS

1. Detailed Window Sign Regulations Benchmark Information
2. Online Window Sign Survey Results
3. Map of Zoning Districts In Which Window Signs Are Permitted (Dated 3/13/12)
4. Planning Commission Recommendation
5. Planning Commission Meeting Minutes (draft)